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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,061	02/01/2000	Masaru Sudo	00048/LH	5663

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EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 01/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/496,061

Applicant(s)

SUDO ET AL.

Examiner

Shawn S An

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2, 6-9, 14-20 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 10-13, 21, 22 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 10-13, 21-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al (5,032,913).

**Regarding claims 1, 10, and 22,** Ozawa et al discloses an endoscope image sensing apparatus/method, comprising:

an image sensing section (32 CCD) for obtaining an image signal by photo electronically converting an object image;

a conversion matrix section (Figs. 26, 29, element 314) for changing a setting associated with a conversion matrix to a desired setting, and to convert image signal into a video signal by a predetermined matrix computations; and

a control section for changing a setting associated with the conversion performed by the conversion matrix section (Fig. 37, element 354).

Ozawa et al also discloses that an user can specify the direction and value of the color smear when the color smear is detected by the color smear detecting means (col. 1, lines 50-62).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art to incorporate the above concepts so that the user can easily input or designate information about a change in the settings associated with the conversion matrix section for image enhancement.

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**Regarding claims 3 and 5,** Ozawa et al discloses CCD (32 CCD), and converting color difference signals into primary color signals (col. 27, lines 34-46). Ozawa et al also discloses converting luminance signal (Fig. 11, element Y) into a primary color signal (TO DISPLAY).

**Regarding claims 4 and 24,** Ozawa et al discloses a storage section (314) in which a plurality of settings associated with the matrix computation are stored in advance; and a control section (Fig. 37, element 354) for changing the setting by selecting one of the plurality of settings stored in the storage section.

**Regarding claim 11,** Ozawa et al discloses switching devices (S1, S2). Therefore, it would have been obvious to mount the switching device on an operating portion for operating the endoscope image sensing apparatus for direct control.

**Regarding claim 12,** Ozawa et al discloses a storage section in which coefficients associated with the matrix computations are stored in advance (col. 28, lines 51-68), and the control section (332) reads out a coefficient corresponding to the designation and stored in the storage section, and outputs the coefficient to the conversion matrix section.

**Regarding claim 13,** Ozawa et al discloses ROM (col. 28, line 58).

**Regarding claim 21,** Ozawa et al discloses a display section (16) for displaying a setting associated with the conversion matrix section, and the display section can be referred upon a setting conversion.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- A) Ozawa et al (6,080,104), Electronic endoscope system.
- B) Kato (4,805,016), Endoscope system for converting primary color images into hue, saturation and intensity images.

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C) Nakamura et al (5,339,159), Color misregistration detector and color misregistration easing system.

4. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and work schedule are Tuesday through Friday.



SSA

SHAWN S. AN  
PATENT EXAMINER

January 15, 2004